

REMARKS

In the Office Action, the Examiner indicates that claims 1 and 4-7 are pending in this application. With entry of this response, claim 1 is amended and no claims are canceled or added. Thus, claims 1 and 4-7 remain pending.

The Claims Are Not Obvious Over Buzas *et al.*

The Examiner rejects claims 1 and 4-7, under 35 U.S.C. § 103(a), as allegedly being unpatentable over Buzas *et al.* (RO 92436), for the reasons made of record. Office Action, page 2. According to the Examiner, Buzas describes a composition comprising a carbonic anhydrase inhibitor and a beta-blocker to treat gastritis, gastro-duodenitis, and gastro-duodenal ulcers. *Id.*, pages 2-3. In response to Applicants' arguments traversing the obviousness rejection, the Examiner apparently agrees that Buzas is limited to synergistic combinations of carbonic anhydrase inhibitors and certain other specified compounds, including some beta-blockers like pindolol. These teachings concerning combinations do not render obvious a claim that excludes carbonic anhydrase inhibitors. The Examiner, however, contends that the "comprising" language used in Applicants' claims does not exclude the combination of carbonic anhydrase inhibitors and pindolol described by Buzas.

In response, Applicants have amended the claims to recite a composition consisting essentially of (S)-pindolol. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps and those that do not materially affect the basic and novel characteristics of the claimed invention. M.P.E.P. § 2111.03; *In re Herz*, 537 F.2d 549, 551-52 (C.C.P.A. 1976). Thus, the amended claims exclude carbonic anhydrase inhibitors. And nothing in the cited prior art

teaches or suggests the use of a composition that does not include carbonic anhydrase inhibitors. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 4-7, under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

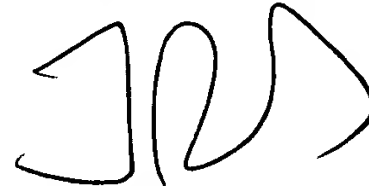
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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